

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 23-29, 32-37, and 39-64 are pending in the present application. Claims 30, 31, and 38 are canceled, Claims 23, 24, and 26-29 are amended, and Claims 45-64 are added by the present amendment.

New Claim 47 recites features of previously presented Claims 23, 36, and 37. New Claims 48-64 recite features of previously presented Claims 24-29, 32-35, 39-44, and 23, respectively. It is believed no new matter is added.

In the outstanding Office Action, Claim 30 was objected to; Claims 24, 26-31, 33, and 42 were rejected under 35 U.S.C. § 112, second paragraph; Claims 23-35 and 39-44 were rejected under 35 U.S.C. § 102(b) as anticipated by International Patent No. WO 97/43224 to Boire et al. (herein “Boire”); Claims 23-35 and 39-44 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,068,914 to Boire et al. (herein “‘914 patent”); Claims 36 and 37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Boire; Claims 36 and 37 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘914 patent; and Claim 38 was indicated as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants gratefully acknowledge the Examiner’s indication of allowable subject matter, and accordingly Claim 23 is amended to recite the feature of Claim 38, which was indicated as allowable, and Claim 38 is canceled. Further, regarding the objection to Claim 30 under 37 C.F.R. § 1.75(c), Claims 30 and 31 are canceled and Claims 45 and 46 are added to recite features of Claims 30 and 31 in proper dependent form, in light of comments in the outstanding Office Action. In addition, regarding the rejection of claims under 35 U.S.C. § 112, second paragraph, Claims 24, 26-29, 33, and 42 are amended to particularly point out

and distinctly claim the subject matter which Applicants regard as the invention, in light of suggestions in the outstanding Office Action.

Accordingly, it is respectfully submitted that independent Claim 23, and claims depending therefrom, are allowable.

Regarding the rejection of Claims 23-35 and 39-44 under 35 U.S.C. §§ 102(b) and 102(e) as anticipated by Boire and the '914 patent, and the rejection of Claims 36 and 37 under 35 U.S.C. § 103(a) as unpatentable over Boire or the '914 patent, Applicants first note that independent Claim 23 now includes the limitations of Claim 38 indicated to be allowable. As Claims 24-29, 32-35, and 39-44 all depend from Claim 23 and as Claims 30 and 31 are canceled, it is believed that the rejection is no longer relevant as to these claims. As to new Claim 47, applicants respectfully submit that new Claim 47 recites the features of previously presented Claims 36 and 37, and, thus, also patentably defines over the references.

New Claim 47 recites a manufactured article including an antireflection coating on at least one face. The antireflection coating is made of a stack of thin layers of dielectric material that is, *inter alia*, configured to reduce light reflection by at least 3% at an angle of incidence of between 50 and 70 degrees, and is configured to produce negative colorimetric response for a* and b* values at an angle of incidence of between 50 and 70 degrees.

In a nonlimiting example, Figure 3 illustrates a transparent substrate with an antireflection coating with properties as illustrated in Example 9. The substrate in this example achieves "the best compromise between reducing R_L and obtaining a satisfactory color in reflection on the 'layer side' at oblique incidence (60°)."¹

Applicants respectfully submit that neither Boire nor the '914 patent teach or suggest the features of the independent claims, and further Applicants respectfully traverse the statement in the outstanding Office Action that regarding the claimed light reflectivity and

¹ Specification at page 20, lines 1-16.

colorimetric features at an angle of incidence between 50° and 70° “absent a showing of criticality, it would have been obvious to one having ordinary skill in the art to determine such properties.”²

As illustrated in Examples 1 to 13 in the originally filed specification, and as summarized in the table at the top of page 23 of the specification a significant amount of experimentation was required to identify the specific arrangement that would yield the claimed light reflectively and colorimetric features. Applicants respectfully submit that this significant level of experimentation is evidence of criticality and that this evidence of comparative data must be considered as noted in MPEP § 716.01(a), citing In re Margolis 785 F.2d 1029, 228 USPQ 940 (Fed. Cir. 1986).

Further, Applicants submit that the cited references also do not teach or suggest the desirability of the claimed light reflectivity and colorimetry features at an angle of incidence of between 50 and 70 degrees. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combinations.” MPEP § 2143.01.

New Claim 64 recites features similar to amended Claim 23, but indicates that silicon nitride or aluminum nitride is used for at least one of the high-index layers. Applicants also respectfully submit that feature is not taught or suggested by the applied references.

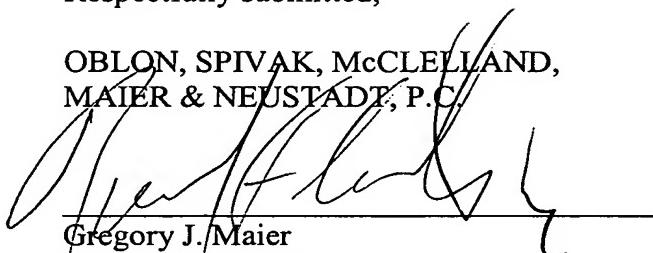
Accordingly, it is respectfully submitted that independent Claims 23 and 47, and claims dependent thereon, are also allowable.

² Office Action mailed February 25, 2004, at page 7, lines 8-9.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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